IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

R.S.A. No. 4364 of 2006
Date of decision : 12.1.2007

Shiv Mandir & Ors.

.....Appellants.

Versus

Shiromani Gurudwara Prabandhak Committee, Amnritsar.

.....Respondent.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.Chetan Mittal,Advocate
for the Appellants.

Mr. B.S. Guliani, Advocate
for the Caveator.

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VINOD K. SHARMA,J.(ORAL)

The present appeal has been filed against the judgment and decree passed by the learned Courts below vide which suit filed by the respondent plaintiff along with Local Committee of Management Gurudwara Manji Sahib was partly decreed. However, in the appeal the appellants herein did not implead the Local Committee of Management Gurudwara Manji Sahib , which was in the Control of Gurudwara as a party to the appeal and one of the ground on which the appeal has been dismissed by the learned Lower Appellate Court is that the necessary party has not been impleaded in the appeal. Even in the present regular second appeal the Local Committee of Management Gurudwara Manji Sahib, in whose favour decree is passed, has not been impleaded as a party. However, the learned counsel for the appellants states that he could not have impleaded the Local Committee as the same was not a party before the lower Appellate Court.

As the necessary party was not before the lower appellate Court the appeal was rightly dismissed.

Even on merits, on the basis of appreciation of evidence, a concurrent finding of fact has been recorded by the Courts below which do not call for interference by this Court.

Dismissed.

12.1.2007. **(VINOD K. SHARMA)**
'sp' **JUDGE**